

# **DECLARATION**

In the matter of United States Patent No. 6,128,607 issued October 3, 2000, and assigned to Register Machine Learning Technology, Inc.

1. I, Susan L. Mizer, am a partner in the law firm of Tucker Ellis & West LLP, 1150 Huntington Bldg, 925 Euclid Avenue, Cleveland, Ohio 44115-1414, United States of America. I am admitted to the practice of law in the states of Ohio and California, and also am admitted to practice before the U.S. Patent and Trademark Office.
2. Tucker Ellis & West LLP commenced the practice of law on July 16, 2003. Tucker Ellis & West LLP requested written permission of Register Machine Learning Technology, Inc. to take over patent matters that had formerly been handled by Arter & Hadden LLP. Arter & Hadden LLP had abruptly ceased operations after approximately 160 years of continuous operation due to rapid declining economic factors. Arter & Hadden LLP is currently in bankruptcy.
3. Register Machine Learning Technology, Inc. failed to receive Tucker Ellis & West LLP's requests for written permission to take possession of the physical files from Arter & Hadden LLP.
4. Tucker Ellis & West LLP was unable to take over possession of the physical files of Register Machine Learning Technology, Inc. from Arter & Hadden LLP as it had not received permission to do so. All physical files not transferred from Arter & Hadden LLP to either Tucker Ellis & West LLP or another firm were moved to temporary storage and have since been destroyed.
5. I subsequently received a follow up inquiry from Register Machine Learning Technology, Inc. specific to United States Patent No. 6,128,607 in which the question arose for the first time

relative to whether the patents previously maintained by Arter & Hadden were still active. This is the first information which led to any question relative to concerns with the subject patent.

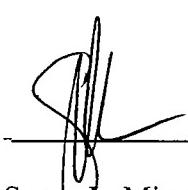
6. Pursuant to this follow up request, I initiated additional review of the background of this patent, including a review of information from the USPTO PAIR website information. From this additional review, I verified that the USPTO lists this patent to be abandoned for failure to pay the maintenance fee.

7. A copy of any supporting documentation is unavailable, as the subject files have been destroyed.

8. In accordance with rapid and unexpected demise of Arter & Hadden LLP, coupled with the due dates for filing of the subject maintenance fee, the rapid transition of patent matters and the remaining circumstances, reasonable and appropriate steps were taken, leading to unavoidable abandonment by failure to pay the maintenance fee.

9. All fees required for the subject patent are tendered contemporaneously herewith.

10. I make the subject declaration being warned that willful false statements and the like are punishable by fine or imprisonment, or both ( **18 U.S.C. 1001**) and may jeopardize the validity of the application or any patent issuing thereon. All statements herein are made of my own knowledge are true and all statements made on information and belief are believed to be true.



, December 9, 2008

Susan L. Mizer  
Cleveland, Ohio  
United States of America